IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 1505-CAT of 2007

Date of Decision : 30.01.2007

Ashwani Kumar ... Petitioner

Versus

Union of India and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Virender Kumar, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner claims appointment on compassionate grounds on account of the service rendered by his father with respondent No.3. Since the aforesaid claim was not accepted by the respondents, the petitioner approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the `Administrative Tribunal') by filing Original Application No. 784/HR/2005. The aforesaid Original Application filed by the petitioner was dismissed by the Administrative Tribunal on 08.08.2006. Through the instant writ petition, the petitioner seeks to impugn the order of the Administrative Tribunal dated 08.08.2006.

A perusal of the order of the Administrative Tribunal reveals, that the father of the petitioner did not die in harness. This conclusion has been drawn by the Administrative Tribunal on account of the fact, that the father of the petitioner was allowed to retire voluntarily with effect from 01.10.2000, and that he died on 04.10.2000. It is, therefore, apparent that the father of the petitioner was not in service of respondent No.3, when he

died on 04.10.2000. Since, the father of the petitioner had not died in harness, the Administrative Tribunal declined to accept the claim of the petitioner for appointment on compassionate grounds. Learned counsel for the petitioner has not been able to authenticate to the contrary i.e. either that the father of the petitioner had died while he was in service, or that there are any other policy instructions which permit appointment on compassionate grounds even in respect of the wards of employees, who had died after their employment had ceased.

In view of the above, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

January 30, 2007 (S.D. Anand)
vkd Judge